

### REMARKS

Claims 1-19 are pending in this case. Claims 9-16 and 19 have been allowed. Claims 1, 5, and 9 have been amended to remove informalities without narrowing any of these claims or any claim element contained therein. Applicant hereby respectfully requests that the subject application be reconsidered in view of the following remarks.

Claims 5-8 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for kindly indicating the allowability of claims 5-8, but defers rewriting these claims until final resolution of the rejected claims.

Claims 1, 5, and 9 have been objected to for the informalities stated on page 2 of the Office action. Applicant thanks the Examiner for making the suggestions for the corrections, which have been adopted in the above claim amendments. The subject objection is thus believed to have been overcome.

Claims 1-4 and 17-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over two cited reference, *i.e.*, Reference 1: "*The Role of Transmit Diversity on Wireless Communications - Reverse Link Analysis with Partial Feedback*" and Reference 2: "*Optimal Transmission Design for MIMO Block Fading Channels With Feedback Capacity Constraint*." This rejection is respectfully traversed.

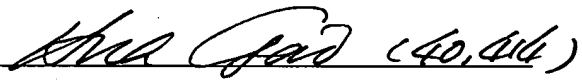
Applicant respectfully submits that Reference 2 does not qualify as a prior art reference against the claimed invention. Reference 2 is in fact applicant's own publication, which was published less than one year before the filing date of the subject application. Although applicant's name appears differently in Reference 2, applicant has used such name, as is stated the enclosed Statement Of Inventor.

In light of the above, applicant respectfully submits that the subject rejection has been overcome.

Applicant has shown that, in addition to the allowed and allowable claims, claims 1-4 and 17-18 are also allowable and respectfully requests that the rejection of claims 1-4 and 17-18 be withdrawn. Each of the pending claims 1-19 in the subject application is believed to be in immediate condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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By   
Hua Gao Reg. No.: 40,414  
**DICKSTEIN SHAPIRO LLP**  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant

Enclosure